

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

**UNITED STATES OF AMERICA**

**v.**

**LINDA LOUISE CULKIN,**

**Defendant.**

**Criminal Case No. 12-CR-10080-GAO**

**PROPOSED ORDER**

Having considered the allegations to which Defendant Linda Louise Culkin pleaded guilty, her allocution at the Rule 11 hearing, the presentence report, the parties' sentencing memoranda, and various communications from Defendant Culkin to the Court, some of which were *ex parte* because of their nature, the Court finds that there is "substantial information indicating that the defendant may presently be suffering from a mental disease or defect for the treatment of which [s]he is need of custody for care or treatment in a suitable facility," and the Court is "of the opinion that there is reasonable cause to believe" the same. 18 U.S.C. § 4244(a).

The Court therefore will order, *sua sponte* and without objection from either party, a hearing on this question. 18 U.S.C. § 4244(a).

Before holding this hearing, the Court has the power under 18 U.S.C. § 4244(b) to order that a "psychological examination of the defendant be conducted, and that a . . . psychological report be filed with the [C]ourt, pursuant to the provisions of section 4247(b) and (c)." Because the Court desires opinions not only about Defendant Culkin's psychological condition, but also about the Bureau of Prison's ability to care for her while she is in its custody and any sentencing alternatives, the Court has the power to, and will, commit Defendant Culkin for an initial period of thirty days "to the custody of the Attorney General for placement in a suitable facility" of the

Bureau of Prisons to conduct a psychological examination, which period may be extended “upon a showing of good cause that the additional time is necessary to observe and evaluate the defendant.” 18 U.S.C. § 4247(b). “Unless impracticable, the . . . psychological examination shall be conducted in the suitable facility closest to the [C]ourt,” *id.*, while recognizing that the closest suitable facility may be outside this District.

It is therefore,

ORDERED that Defendant Linda Louise Culkin be committed for an initial period of thirty days to the custody of the Attorney General for placement at the Bureau of Prisons facility closest to the Court that is suitable to conduct a psychological examination of her for the purposes outlined in this Order and to file a report of these examinations with the Court; it is further

ORDERED that the facility shall conduct this examination in order to assist the Court in determining Defendant Culkin’s mental condition as part of the presentence investigation, under 18 U.S.C. § 3552(c), and to determine whether she is presently suffering from a mental disease or defect for the treatment of which she is in need of custody for care or treatment in a suitable facility, under 18 U.S.C. § 4244(a); it is further

ORDERED that a report of the examination be thereafter filed with the Court, and that this report include not only the information required in 18 U.S.C. § 4247(c), but also, if it includes an opinion that Defendant Culkin is presently suffering from a mental disease or defect that would not require her custody in a suitable facility for care or treatment of these conditions, the report shall also include an opinion concerning the sentencing alternatives that could best accord Defendant Culkin the kind of treatment that she does need; it is further

ORDERED that copies of the report will be provided to counsel for Defendant Culkin and counsel for the United States, as provided in 18 U.S.C. § 4247(c); and it is finally

ORDERED that on July 24, 2014, at 2:00 p.m., the Court will hold a status conference at which will be discussed scheduling a hearing regarding Defendant Culkin's mental condition pursuant to 18 U.S.C. § 4244(a),(c), and 18 U.S.C. § 4247(d), and any other matters that need to be addressed at that time.

SO ORDERED.

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United States District Judge George A. O'Toole, Jr.

Date:

**CERTIFICATE OF SERVICE**

I hereby certify that this proposed order is being filed through the ECF system and therefore will be sent electronically to the registered participants as identified on the Notice of Electronic Filing.

/s/ Scott L. Garland  
Scott L. Garland  
Assistant United States Attorney

Date: May 19, 2014